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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/777,958 12/24/96 HAMILTON

D 02103/211002

EXAMINER

LM61/1126

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ART UNIT

PAPER NUMBER

2743

DATE MAILED:

11/26/97

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/777,958**

Applicant(s)  
**Hamilton et al**

Examiner  
**Ping Lee**

Group Art Unit  
**2743**



☒ Responsive to communication(s) filed on Feb 28, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newcomb.

Regarding claims 1-4, Newcomb discloses an audio speaker system for a vehicle in a magazine article. The woofer, mounted in an enclosure, is placed in the trunk, clear of the rear deck, as shown. However, Newcomb fails to explicitly show that the woofer is outside the spare tire compartment. It was well known in the art that the location of the woofer is generally not strictly limited to a specific location for a high fidelity stereo sound system because the low frequency sound signal produced by the woofer does not carry the spatial information as required for portraying the stereophonic sound image. Therefore, the woofer can be placed almost any where around the listener within a reasonable distance. Newcomb shows the woofer inside the spare tire compartment. However, as discussed above, one would have expected that the woofer can be placed any where, including the rear trunk corner at the rear of the vehicle, inside the trunk because altering the location of the woofer inside the trunk does not produce any acoustically different sound effect. It would seem to be reasonable for one skill in the art to place the woofer

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outside the spare tire compartment, such as at the rear trunk corner, if one wants to keep the spare tire inside that compartment. It would also be a common sense to not place the woofer in the center of the trunk (for example, right above the spare tire compartment), so one can put luggage, shopping bags or other articles inside the trunk. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system as taught in Newcomb by placing the woofer inside the trunk clear of the rear deck, outside the spare tire compartment and at the rear trunk corner, since it has been held to be within the general skill of a worker in the art to rearrange the location of the woofer <sup>inside the trunk</sup> as a matter of design choice. In re Japikse, 86 USPQ 70.

Regarding claim 5, with the woofer mounted inside the trunk as taught in Newcomb, not conventionally mounted at the rear deck, the claimed frequency responses are inherent met.

3. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9508 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping W. Lee whose telephone number is (703) 305-4865.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PING W LEE  
PATENT EXAMINER  
GROUP 2600

pwl  
November 20, 1997